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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

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15 UNITED STATES OF AMERICA, } No. CR 06-0797 MMC  
16 Plaintiff, }  
17 v. } STIPULATION AND [PROPOSED]  
18 JAMES P. WINZLER, } ORDER CONTINUING THE  
19 Defendant. } SENTENCING DATE  
20  
21 SAN FRANCISCO VENUE

22 This matter was last before this Court on June 11, 2008. At the hearing, the sentencing of  
23 Mr. Winzler was continued until September 17, 2008 to permit full restitution to be  
24 accomplished by the sale of a Hawaiian condominium owned by Defendant. In granting the  
25 request of Defendant for a continuance, this Court recognized that restitution before sentencing  
26 was a key component of the plea agreement for both parties, not only for Mr. Winzler.

27 The Hawaiian property has been sold by a Commissioner appointed by the State Court in  
Honolulu, and there was adequate money left over from the sale to satisfy the restitution figure

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STIPULATION

1 the government has determined is owed to the victims. The parties recently learned that the  
2 Commissioner responsible for dispensing the funds, died a few days before the State Court Judge  
3 was to consider a motion by the United States to order the Commissioner to convey all funds  
4 within five (5) days. The parties are informed and believe that the Commissioner's death did not  
5 result from natural causes. The United States is attempting to determine what happened to the  
6 proceeds from the sale of the condominium, specifically whether the funds were embezzled,  
7 improperly disbursed, or are still available, but as of yet, unaccounted for. The government  
8 intends to undertake some type of investigation in Hawaii to attempt to determine what happened  
9 to the money which may include issuing subpoenas in anticipation of the sentencing hearing.  
10 The government will report its findings, if any, to the Court and Defense on or before the new  
11 sentencing date.

12 Under the circumstance, a ninety (90) days continuance is sought for the sentencing date of  
13 Mr. Winzler. The parties jointly request a sentencing date of December 10, 2008.

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JOSEPH P. RUSSONIELLO  
United States Attorney

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DATED: \_\_\_\_\_ 9/9/08

/s/ R. HARRIS

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Robin L. Harris, Esq.  
Peter B. Axelrod, Esq.  
Assistant United States Attorney's

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THE LAW OFFICES OF BRIAN H GETZ

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DATED: \_\_\_\_\_ 9/9/08

/s/ BRIAN H GETZ

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Brian H Getz, Esq.  
Attorney for Defendant James P. Winzler

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STIPULATION

1                   ORDER [Proposed]

2       The Parties having so stipulated and good cause appearing, IT IS ORDERED that the  
3 sentencing of James Winzler is continued until December 10, 2008 at 2:30 p.m.

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7       DATED: September 10, 2008

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9                   MAXINE M. CHESNEY  
10                  United States District Judge